



New South Wales

Constitution Amendment (Pledge of Loyalty) Act 2006 No 6

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Constitution Amendment (Pledge of Loyalty) Act 2006 No 6

Act No 6, 2006

An Act to amend the *Constitution Act 1902* to require Members of Parliament and Ministers to take a pledge of loyalty to Australia and to the people of New South Wales instead of swearing allegiance to the Queen, and to revise the oaths taken by Executive Councillors. [Assented to 3 April 2006]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Constitution Amendment (Pledge of Loyalty) Act 2006*.

2 Commencement

This Act commences on the date of assent.

3 Amendment of Constitution Act 1902 No 32

The *Constitution Act 1902* is amended as set out in Schedule 1.

4 Consequential amendments to Oaths Act 1900 No 20

The *Oaths Act 1900* is amended as set out in Schedule 2.

Schedule 1 Amendment of Constitution Act 1902

(Section 3)

[1] Section 12

Omit the section. Insert instead:

12 No Member to sit or vote until pledge of loyalty taken

- (1) A Member of the Legislative Council or the Legislative Assembly is not permitted to sit or vote in the House to which the Member has been elected until the Member has taken the pledge of loyalty before the Governor or other person authorised by the Governor for that purpose.
- (2) The pledge of loyalty is to be in the following form:
Under God, I pledge my loyalty to Australia and to the people of New South Wales.
- (3) A Member may omit the words “Under God” when taking the pledge of loyalty.
- (4) A Member is not required, despite any other Act or law, to swear allegiance to Her Majesty Queen Elizabeth II or her heirs and successors before sitting or voting in the Legislative Council or the Legislative Assembly.
- (5) This section applies only to Members elected after the commencement of the *Constitution Amendment (Pledge of Loyalty) Act 2006*.

[2] Section 35CA

Insert after section 35C:

35CA Executive Councillor’s pledge of loyalty and oath of office

- (1) Before assuming office, a person appointed as a member of the Executive Council is to take:
 - (a) the pledge of loyalty, and
 - (b) the Executive Councillor’s oath of office,before the Governor or other person authorised by the Governor for that purpose.

- (2) The pledge of loyalty is to be in the following form:
Under God, I pledge my loyalty to Australia and to the people of New South Wales.
- (3) A member of the Executive Council may omit the words “Under God” when taking the pledge of loyalty.
- (4) The Executive Councillor’s oath of office is to be in the following form:
I, _____ being appointed as a member of the Executive Council of New South Wales, do swear that I will perform the functions and duties of an Executive Councillor faithfully and to the best of my ability and, when required to do so, freely give my counsel and advice to the Governor or officer administering the Government of New South Wales for the time being for the good management of the public affairs of New South Wales, and that I will not directly or indirectly reveal matters debated in the Council and committed to my secrecy, but that I will in all things be a true and faithful councillor.

So help me God.
- (5) A member of the Executive Council may, instead of taking the Executive Councillor’s oath, make an affirmation to the same effect.
- (6) This section applies only to members of the Executive Council appointed after the commencement of the *Constitution Amendment (Pledge of Loyalty) Act 2006*.

Schedule 2 Consequential amendments to Oaths Act 1900

(Section 4)

[1] Section 5 Definitions

Omit the definition of *Executive Councillor's oath*.

[2] Section 10 Executive councillors

Omit the section.

[3] Fifth Schedule Executive Councillor's oath

Omit the Schedule.

[Second reading speech made in—
Legislative Assembly on 6 May 2004
Legislative Council on 2 March 2006]

BY AUTHORITY